

JUN 24 2008

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

**U. S. DISTRICT COURT
W. DIST. OF N. C.**

MDL DOCKET NO.: 3:03CV1516

**In re: POLYESTER STAPLE
ANTITRUST LITIGATION**

THIS DOCUMENT RELATES TO:

Case No. 3:03CV00200 (Tex Tech Industries, Inc.)
Case No. 3:03CV00201 (Hollander Home Fashions Corp.)
Case No. 3:03CV00203 (Carpenter Co.)
Case No. 3:03CV00206 (Fiber Dynamics, Inc.)
Case No. 3:03CV00208 (Habasit Belting, Inc.)
Case No. 3:03CV00209 (J.H.N.Y., Inc.)
Case No. 3:03CV00280 (Quality Felt Co.)
Case No. 3:03CV00309 (Southern Fiber, Inc.)
Case No. 3:03CV00474 (Thomaston Mills, Inc.)

ORDER AND FINAL JUDGMENT

This matter is before the Court upon Plaintiffs' Motion For Final Approval Of Settlement With Arteva Specialties S.àr.l., licensed to do business in North Carolina as Arteva Specialties, LLC, d/b/a KoSa, and now named INVISTA S.àr.l., Arteva Services S.àr.l., licensed to do business in North Carolina as Arteva Services LLC, and Koch Industries, Inc. (collectively "KoSa") (the "Motion").

Plaintiffs¹ and KoSa entered into the Settlement Agreement (the "Settlement") to fully and finally resolve Plaintiffs' claims against KoSa. On April 15, 2008, the Court entered its Order Granting Preliminary Approval of Proposed Settlement with KoSa ("Preliminary Approval Order"). Among other things, the Preliminary Approval Order authorized Plaintiffs to

¹ Plaintiffs are Tex Tech Industries, Inc.; Hollander Home Fashions Corp.; Carpenter Co.; Fiber Dynamics, Inc.; Habasit Belting, Inc.; J.H.N.Y., Inc.; Quality Felt Co.; Southern Fiber, Inc.; and Thomaston Mills, Inc.

disseminate notice of the proposed settlement, fairness hearing, and related matters to the Class. Notice was provided to the Class and the Court held the fairness hearing on June 24, 2008.

Having considered the Motion, including the proposed plan of allocation and Class Counsel's requests for payment of attorneys' fees and expenses including a request for awards for Plaintiffs, oral argument presented at the fairness hearing, and the complete records and files in this matter, the Court is of the opinion that relief sought in the Motion should be granted.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. The Court has jurisdiction over the subject matter of this litigation.
2. Terms defined in the Settlement Agreement shall have the same meaning when used in this Order and Final Judgment.
3. The Preliminary Approval Order outlined the form and manner by which Plaintiffs were to provide the Class with notice of the Settlement, the fairness hearing, and related matters. The notice program included individual notice to members of the Class who could be identified through reasonable effort, as well as the publication of a summary notice in *The Wall Street Journal*. Proof that the mailing and publication conformed with the Preliminary Approval Order has been filed with the Court. This notice program fully complied with Rule 23, Fed.R.Civ.P., and the requirement of due process. It provided due and adequate notice to the Class.
4. The Settlement with KoSa was attained following extensive litigation and shortly before trial was scheduled to begin. It resulted from vigorous arm's-length negotiations which were undertaken in good faith by counsel with significant experience litigating antitrust class actions.

5. Final approval of the Settlement with KoSa is granted pursuant to Rule 23(e), Fed.R.Civ.P., because it is "fair, reasonable and adequate" to the Class. In reaching this conclusion, the Court considered: the complexity, expense, and likely duration of the litigation, the recovery obtained and the Class' reaction to the settlement.

6. The Plan of Allocation set forth in the Class Notice is "fair, reasonable and adequate" to the Class and, therefore, is granted final approval.

7. The entities identified on Exhibit 1, attached, previously have timely and validly requested exclusion from the Class and, therefore, are excluded from the settlement (the "Opt-Outs"). Such entities are not included in or bound by this Order and Final Judgment. Such entities are not entitled to any recovery from the settlement proceeds obtained through this settlement.

8. The Action is hereby dismissed with prejudice and without assessment of costs to any party. The Releasors are barred from instituting or prosecuting, in any capacity, an action or proceeding that asserts a Released Claim against any Releasee.

9. The escrow account established by the parties, and into which KoSa has already deposited the \$33,000,000 Settlement Fund, is approved as a Qualified Settlement Fund pursuant to Internal Revenue Code Section 468B and the Treasury Regulations promulgated thereunder.

10. The Court hereby awards Class Counsel 33% of the Settlement Fund in reasonable attorneys' fees and \$1,843,444.56 for costs, plus interest earned thereon, out of the Settlement Fund. Co-Lead Counsel are authorized to allocate to other counsel the fees awarded herein, taking into account their relative contributions to the Action.

11. The Court hereby awards \$10,000 to each Plaintiff as an award to be paid from the Settlement Fund.

12. The Court hereby authorizes Class Counsel, without further order of the Court, to disburse the balance of the settlement funds to valid claimants who make claims in accordance with the Plan of Allocation.

13. Neither the Settlement Agreement, nor any act performed or document executed pursuant to the Settlement Agreement, may be deemed or used as an admission of wrongdoing in any civil, criminal, or administrative proceeding.

14. Without affecting the finality of this Order and Final Judgment, the Court retains exclusive jurisdiction over: (a) the enforcement of this Order and Final Judgment; (b) the enforcement of the Settlement Agreement; and (c) the distribution of the settlement proceeds.

15. The Court hereby enters final judgment of dismissal as to Arteva Specialties S.àr.l., licensed to do business in North Carolina as Arteva Specialties, LLC, d/b/a KoSa, and now named INVISTA S.àr.l., Arteva Services S.àr.l., licensed to do business in North Carolina as Arteva Services LLC, and Koch Industries, Inc. The claims of Plaintiffs and the Class in this Action are dismissed with prejudice and each party is to bear its own costs.

This the 24th day of June, 2008.



RICHARD L. VOORHEES
UNITED STATES DISTRICT COURT JUDGE

EXHIBIT 1

ALICE MANUFACTURING, INC.

Alice Mfg Co Inc,
Alice Manufacturing Co,
Alice Manufacturing,
Alice Manufacturing Co In,

AMERICAN & EFRID INC.

American and Efird Mills In,
American and Efird Mills,
American & Efird,
American & Efird Mills Inc,
American & Efird Co,

AMERICAN FIBER & FINISHING, INC.

American Fiber,
American Fiber & Fin,
American Fiber and Finishing,

AVONDALE MILLS, INC.

Avondale Mills,
Graniteville Co,
Avondale Mills Inc,
Graniteville Company,

BBA NONWOVENS SIMPSONVILLE INC. & REEMAY, INC.

BBA-Nonwovens Lewisburg,
BBA Nonwovens Simpsonville,
BBA-Nonwovens Bethune,
BBA-Nonwovens-Athens,
Fiberweb North Ameri,
BBA Fiberweb,
BBA Nonwovens,
BBA-Nonwovens Walpole,
BBA-Nonwovens,
BBA Nonwovens Reemay Division,

BURLINGTON INDUSTRIES, LLC

Burlington Industries Inc,
Burl-BMYC,
Burlington Madison Yarn Co,
Burlington Industries,
Burlington Denim,
Burlington Ind, Inc,
Burlington House,

Burlington Menswear,
Burlington House Floor Accents,
Burlington Menswear Dyeing Plant,
Burl-House
Burlington Greige

CAMTX

Glendale Bordon (Wellington),

CAROLINA MILLS

Carolina Mills Inc,
Carolina Mills,
Rhyne Mills Inc,
Rhyne Mills,

CAVALIE TEXTILES

Cavalier Specialty Yarn Company USA,
Cavalier Specialty Yarn Co,
Cavalier Specialty Yarn Co USA,
Cavalier Spec Yarn Co USA (DIP),
Cavalier Specialty Yarn Company USA -CCAA,

CHERAW YARN MILLS, INC.

Cheraw Yarn Mills Inc,
Cheraw Yarn,

CMI INDUSTRIES, INC

Clinton Mills Inc.,
CMI Industries Inc,
Chatham, Inc.,
Chatham Plant,
CMI Industries,
Chatham Inc.,
CMI,
CMI Ind,

COATS AMERICAN, INC.

Coats American,

CRANE & CO., INC.

Crane & Company Inc,

DAN RIVER

Dan River Inc,
Dan River,
The Bibb Co,

Dan River - Fort Valley Plant,
The New Cherokee Corp,
Home Innovations,
Home Curtain Corp,
The Bibb Company
Home Curtain Corporation

DIXIE GROUP

Multitex Corp,
Candlewick Yarns-Dixie Group,
Dixie Yarns Incorporated,
Dixie Yarns,
Masland Corporation,
Dixie Yarns Inc,
Multitex Corp of America,
Multitex Inc,
Candlewick Yarns,
Bretlin,

DORAN MILLS

Doran Textiles Inc,
Doran Textiles,
Doran Mills LLC,

EMBARRASS CARDING MILL

Embarrass Carding Mill,

FIBER CUSHIONING INC.

Fiber Cushioning,
Fiber Cushioning Inc,

FRONTIER SPINNING, INC.

Frontier Yarns LLC,
Frontier Spinning Mills,
Mayo Yarns Inc,
Frontier Spinning Mills, Inc.,
Frontier Spinning,
Frontier Jet Spinning, LLC,
Mayo Yarns,
Frontier Jet Spinning,
Frontier Spinning Mills, LLC,
Frontier,

FRUIT OF THE LOOM, INC.

Fruit of The Loom,
Union Underwear Company Inc,

GALEY & LORD, INC.

Galey & Lord Inc,
Galey And Lord,
Swift Textiles / Columbus,
Galey & Lord Industries Inc,

GCI HOLDINGS INC. [HAMPTON CAPITAL PARTNERS]

Gulistan Carpet Incorporated,
Gulistan Carpets,

GREENWOOD MILLS, INC.

Greenwood Mills,
Greenwood Mills Inc,

HARRIETT & HENDERSON YARNS, INC.

Harriett & Henderson Yarn Mills,
Harriet and Henderson Yarns,
Harriet & Henderson Yarns Inc,
Harriet and Henderson Yarn,
Harriet & Henderson,
Harriett & Henderson—DIP,

INMAN MILLS

Inman Mills,

JOHNSTON INDUSTRIES, INC.

Southern Phenix Textiles I,
Johnston Industries,
Opp and Micolos Mills,
Wellington Scars and Co In,
Johnston Industries Inc,
Opp & Micolos Mills Inc,
Wellington Sears and Co,
Opp Cotton Mills Inc,
Johnston Textiles,
Johnston Industries Inc - DIP,
Johnston Textiles, Inc.,
Wellington Sears Co,
Wellington Sears,
Johnston Industries, Inc,
Wellington Sears Company,
Johnston Industries, Inc.,

KASBAR NATIONAL INDUSTRIES, INC.

Kasbar National Industries Inc,
Kasbar National Ind,

KIMBERLY CLARK CORPORATION

Kimberly Clark Corporation,
Kimberly-Clark Corp,
Kimberly-Clark Tecnol,
Kimberly Clark Corp,
Kimberly-Clark Corporation,
Scott Paper Company,

LEGGETT AND PLATT COMPANIES

Bonded Fiber Product,
Cameo Fibers, A Division of Leggett & Platt,
Cumulus Fibres Incorporated,
Tupelo Fibers,
Cumulus Fibres,
Leggett and Platt Incorporated,
Cumulus Fibres Inc,
Buffalo Batt & Felt Corp,
Cameo Fibers,
Cumulus Fibres of Florida Inc,
Cameo Fibers Inc,
Tupelo Fibers Co,
Buffalo Batt,
Cumulus Fibers,
Cumulus Fibres of Florida,
Leggett and Platt,
Leggett & Platt Incorporated,
Bonded Fibers S E,

MAYFAIR MILLS, INC.

Mayfair Mills,
Mayfair Mills Inc,

MILLIKEN & COMPANY

Milliken & Company,
Milliken and Co,

MOUNT VERNON MILLS, INC.

Mt Vernon Mills,
Mt Vernon / Cuero,
Mt Vernon / Brentex,
Mt Vernon / Brenham,
Mt Vernon / Tallasee,

Mt Vernon / Fresno,
Mt Vernon / Williamston,
Mt Vernon Mills Inc,

NATIONAL SPINNING COMPANY, INC.

National Spinning Co,
National Spinning Company Inc,
National Spinning Co Inc,

NATIONAL TEXTILES LLC

National Textiles LLC,
National Textiles,
National Textiles, LLC,

PARKDALE AMERICAN LLC

Parkdale Mills,
Parkdale America LLC,
Parkdale America, LLC,
Magnolia Manufacturing,
Parkdale Mills Inc,
Magnolia Manufacturing Co Inc,

PHARR YARNS, LLC

Pharr Yarns Inc,
Pharr Yarns,
Pharr Yarns of Georgia Inc,
Pharr Yarns of Georgia,

PILLOWTEX CORPORATION FOR FIELDCREST CANNON, INC.

Pillowtex Corp,
Fieldcrest Cannon / Kannap,
Fieldcrest Cannon Inc,
Fieldcrest Cannon,
Fieldcrest II,
Beacon Manufacturing,

POLYMER GROUP, INC. (PGI)

Chicopee,
PGI Nonwovens Inc,
Polymer Group,
Polymer Group, DIP,
Polymer Group, Inc.,
Dominion Yarn Corp,
Chicopee Inc,
Fibertech Group,
J&J Advanced Material Co,

Dominion Yarn Corporation,
Polymer Group Advanced Tech. Group,
Fibertech Group Incorporated,
Chicopee, Inc,
Polymer Group, Inc,
PGI-Chicopee-Dayton,

RAMTEX, INC.

Ramtex,
Ramtex Incorporated,

RUSSELL CORPORATION

Russell Corp,

SHAW INDUSTRIES GROUP, INC.

Shaw Industries,
Shaw Industries Inc,
Queen Carpet Corporation,
Queen Carpet Mills,
Shaw Industries, Inc,

SPRINGS INDUSTRIES, INC.

Springs Ind,
Springs Industries Inc,
Springs Industries,
American Fiber Industries Inc,
Dundee Mills Incorporated,
American Fiber Industries, LLC.,
American Fiber Inds,

THE CITMED CORPORATION

The Citmed Corp,

TNS MILLS

TNS Mills,

WAVERLY MILLS, INC.

Waverly Mills Inc,
Consolidated Textiles,
Waverly Mills,
Waverly Mills, Inc.,
Waverly Mills Inc.,
R J Kunik & Co Inc,

WELLINGTON LEISURE PRODUCTS, INC.

Wellington Leisure Products Inc,
Wellington Home Products,

WESTPOINT STEVENS

West Point Stevens Incorporated,
WestPoint Stevens,
West Point Stevens, Inc.,
West Point Stevens Inc.-Eklin Plant,
Liebhardt Mills,
West Point Stevens,
West Point Stevens Incorporataed,
Liebhardt Mills Inc,
WestPoint Stevens, Inc.-Chatham Division,
West Point Stevens-Calhoun Falls-DIP,
West Point Roanoke-DIP,
West Point-Liebhardt-Middletown-IN,
WestPoint Stevens-Coushatta-LA